PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY
(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference 41369	**FOR FURTHER ACTION** See Form PCT/IPEA/416	
International application No. PCT/FI2004/000376	International filing date *(day/month/year)* 21.06.2004	Priority date *(day/month/year)* 19.06.2003
International Patent Classification (IPC) or national classification and IPC A61K 38/48, A61K 38/02, C12N 9/50 // A61P 29/00		
Applicant CTT Cancer Targeting Technologies Oy et al		

1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.
2. This REPORT consists of a total of 5 sheets, including this cover sheet.
3. This report is also accompanied by ANNEXES, comprising:
   a. ☒ *(sent to the applicant and to the International Bureau)* a total of 1 sheets, as follows:
      ☐ sheets of the description, claims and/or drawings which have been amended and are the basis of this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).
      ☐ sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.
   b. ☐ *(sent to the International Bureau only)* a total of (indicate type and number of electronic carrier(s))
      _____, containing a sequence listing and/or tables related thereto, in electronic form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).
4. This report contains indications relating to the following items:
   - ☒ Box No. I Basis of the report
   - ☒ Box No. II Priority
   - ☒ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
   - ☐ Box No. IV Lack of unity of invention
   - ☒ Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
   - ☐ Box No. VI Certain documents cited
   - ☐ Box No. VII Certain defects in the international application
   - ☐ Box No. VIII Certain observations on the international application

Date of submission of the demand 18.04.2005	Date of completion of this report 26.09.2005
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INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.
PCT/FI2004/000376

Box No. I Basis of the report

1. With regard to the **language**, this report is based on:

☒ the international application in the language in which it was filed

☐ a translation of the international application into _____,
which is the language of a translation furnished for the purposes of:

☐ international search (Rules 12.3(a) and 23.1(b))

☐ publication of the international application (Rule 12.4(a))

☐ international preliminary examination (Rules 55.2(a) and/or 55.3(a))

2. With regard to the **elements** of the international application, this report is based on *(replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report):*

☐ the international application as originally filed/furnished

☒ the description:

pages 1-22 as originally filed/furnished

pages* _____ received by this Authority on _____

pages* _____ received by this Authority on _____

☒ the claims:

pages _____ as originally filed/furnished

pages* _____ as amended (together with any statement) under Article 19

pages* 1 received by this Authority on 22.08.2005

pages* _____ received by this Authority on _____

☒ the drawings:

pages 1-7 as originally filed/furnished

pages* _____ received by this Authority on _____

pages* _____ received by this Authority on _____

☐ a sequence listing and/or any related table(s) – see Supplemental Box Relating to Sequence Listing.

3. ☐ The amendments have resulted in the cancellation of:

☐ the description, pages _____

☐ the claims, Nos. _____

☐ the drawings, sheets/figs _____

☐ the sequence listing *(specify)*: _____

☐ any table(s) related to the sequence listing *(specify)*: _____

4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

☐ the description, pages _____

☐ the claims, Nos. _____

☐ the drawings, sheets/figs _____

☐ the sequence listing *(specify)*: _____

☐ any table(s) related to the sequence listing *(specify)*: _____

* *If item 4 applies, some or all of those sheets may be marked "superseded."*

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

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Box No. II Priority

1. ☐ This report has been established as if no priority had been claimed due to the failure to furnish within the prescribed time limit the requested:

   ☐ copy of the earlier application whose priority has been claimed (Rule 66.7(a)).

   ☐ translation of the earlier application whose priority has been claimed (Rule 66.7(b)).

2. ☐ This report has been established as if no priority had been claimed due to the fact that the priority claim has been found invalid (Rule 64.1). Thus for the purposes of this report, the international filing date indicated above is considered to be the relevant date.

3. Additional observations, if necessary:

The priority is considered valid, hence documentSTN International, File CAPLUS, CAPLUS accession no. 2003:684969, Document no. 139:303787, Stefanidakis et al is of no relevance for this report.

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Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability

The questions whether the claimed invention appears to be novel, to involve an inventive step (to be non obvious), or to be industrially applicable have not been examined in respect of:

☐ the entire international application

☒ claims Nos. 5-7

because:

☒ the said international application, or the said claims Nos. 5-7
relate to the following subject matter which does not require an international preliminary examination *(specify)*:

See PCT Rule 67.1.(iv).: Methods for treatment of the human or animal body by surgery or therapy, as well as diagnostic methods.

☐ the description, claims or drawings *(indicate particular elements below)* or said claims Nos. _____
are so unclear that no meaningful opinion could be formed *(specify)*:

☐ the claims, or said claims Nos. _____ are so inadequately supported
by the description that no meaningful opinion could be formed *(specify)*:

☐ no international search report has been established for said claims Nos. _____

☐ a meaningful opinion could not be formed without the sequence listing; the applicant did not, within the prescribed time limit:

- ☐ furnish a sequence listing on paper complying with the standard provided for in Annex C of the Administrative Instructions, and such listing was not available to the International Preliminary Examining Authority in a form and manner acceptable to it.
- ☐ furnish a sequence listing in electronic form complying with the standard provided for in Annex C of the Administrative Instructions, and such listing was not available to the International Preliminary Examining Authority in a form and manner acceptable to it.
- ☐ pay the required late furnishing fee for the furnishing of a sequence listing in response to an invitation under Rules 13*ter*.1(a) or (b) and 13*ter*.2.

☐ a meaningful opinion could not be formed without the tables related to the sequence listings; the applicant did not, within the prescribed time limit, furnish such tables in electronic form complying with the technical requirements provided for in Annex C-*bis* of the Administrative Instructions, and such tables were not available to the International Preliminary Examining Authority in a form and manner acceptable to it.

☐ the tables related to the nucleotide and/or amino acid sequence listing, if in electronic form only, do not comply with the technical requirements provided for in the Annex C-*bis* of the Administrative Instructions.

☐ See Supplemental Box for further details.

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Box No. V **Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

1. Statement

Novelty (N)	Claims	1-4	YES
	Claims		NO
Inventive step (IS)	Claims	1-4	YES
	Claims		NO
Industrial applicability (IA)	Claims	1-4	YES
	Claims		NO

2. Citations and explanations (Rule 70.7)

The claimed invention relates to the hexapeptide HFDDDE and its use for treating inflammatory conditions.

Reference is made to the following document:

D1: US 2003109021

D1 discloses the polypeptide MMP-29 which comprises the sequence HFDDE in the catalytic domain (see page 24, paragraph 0236 and SEQ ID NO:1, SEQ ID NO:2,figure 2A, positions 259-264). A lot of different diseases which can be treated with MMP-29 including agonists, antagonists and/or fragments thereof are disclosed. It is useful for modulating inflammation as the polypeptide may inhibit proliferation and differentiation of cells involved in inflammatory response(see paragraphs 0053, 0149 and 0675).

It is however not known from the prior art that the hexapeptide HFDDE is capable of inhibiting neutrophil migration and thus is useful in the treatment of inflammatory conditions.

Thus, the cited document represents the general state of the art. The invention defined in claims 1-4 is not disclosed by this document. The cited prior art does not give any indication that would lead a person skilled in the art to the claimed hexapeptide and its use for treating inflammatory conditions.

Therefore, the claimed invention is not obvious to a person skilled in the art.

Accordingly, the invention defined in claims 1-4 is novel and is considered to involve an inventive step. The invention is industrially applicable.

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Claims

1. Hexapeptide HFDDDE for use as a medicament.

2. Hexapeptide HFDDDE for use in prophylaxis or treatment of inflammatory conditions.

3. A pharmaceutical composition which comprises as an active ingredient the hexapeptide motif HFDDDE, in association with at least one pharmaceutically acceptable carrier.

4. Use of the hexapeptide HFDDDE for the manufacture of a medicament for prophylaxis or treatment of inflammatory conditions.

5. A method for therapeutic or prophylactic treatment of conditions dependent on neutrophil migration, comprising administering to a mammal in need of such treatment the hexapeptide HFDDDE, in an amount which is effective in inhibiting neutrophil migration.

6. A method for therapeutic or prophylactic treatment of inflammatory conditions, comprising administering to a mammal in need of such treatment the hexapeptide HFDDDE, in an amount which is effective in inhibiting neutrophil migration.

7. A method for therapeutic or prophylactic treatment of inflammatory conditions, comprising administering to a mammal in need of such treatment a pharmaceutical composition which comprises as an active ingredient the hexapeptide motif HFDDDE, in an amount which is effective in inhibiting neutrophil migration.